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Paper No. 13

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In re Application of
Stewart, et al.
Application No. 09/522,342
Filed: March 9, 2000
Attorney Docket No. P1219P1

OFFICE OF PETITIONS
DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 2, 2001, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely and completely reply to the Notice of Missing Parts, mailed May 18, 2000. A one month extension of time was purchased on August 21, 2000 (certificate of mail date August 18, 2000); however, the submission of missing parts did not include a required a sequence disclosure in compliance with 37 CFR 1.821(c) and (e). This application became abandoned on August 19, 2000. A Notice of Abandonment was mailed on June 1, 2001.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Pursuant to petitioners' authorization, deposit account No. 07-0630 will be charged the \$620.00 petition fee.

The file is being forwarded to the Office of Initial Patent Examination for further processing and then to Technology Center 1600 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
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Office of Petitions
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for Patent Examination Policy